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Attorneys for Plaintiff Darrell Poole

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

DARRELL POOLE

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

Shaw Covart, L.L.P.
11609 Shoal Creek Blvd., Ste. 100
Austin, Texas 78701
(512) 442-2000

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

FLORIDA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

FLORIDA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

FLORIDA

7 District Court and Division in which venue would be proper absent direct filing:

MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

8 Defendants (check Defendants against whom Complaint is made):

C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

9 Basis of Jurisdiction:

Diversity of Citizenship

— Ottawa

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
- G2® Vena Cava Filter
- G2® Express (G2®X) Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter
- Denali® Vena Cava Filter
- Other: _____

11. Date of Implantation as to each product:

JULY 30, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
- Count II: Strict Products Liability – Information Defect (Failure to Warn)
- Count III: Strict Products Liability – Design Defect
- Count IV: Negligence - Design
- Count V: Negligence - Manufacture
- Count VI: Negligence – Failure to Recall/Retrofit

- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable Florida Kentucky Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages
- Other(s): All claims for relief set forth in the Master Complaint for
an amount to be determined by the trier of fact.
(please state the facts supporting this Count in the space immediately
below)

Plaintiff demands a jury trial.

RESPECTFULLY SUBMITTED this 17th day of March, 2016.

SHAW COWART, LLP

By: /s/ Ethan L. Shaw

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Attorneys for Plaintiff Darrell Poole

Certificate of Service

I hereby certify that on this 17th day of March, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ethan L. Shaw